

Rocky Flats Plant
Energy Systems Group
Rockwell International Corporation
P O Box 464
Golden, Colorado 80402-0464

(303) 497-7000



Rockwell
International

Contractor to U S Department of Energy

May 8, 1985

JFM-8(16)

Howard Holme
Fairfield & Woods
1600 Colorado National Building
950 Seventeenth Street
Denver, CO 80202

SETTLEMENT AGREEMENT

Dear Howard:

Receipt is acknowledged of your letter dated May 3, 1985 to multiple addressees which requests, pursuant to paragraph 5 of Settlement Agreement and Exhibit 8 thereto, that Rockwell perform soil testing in McKays' retained land in Section 23.

On May 3, you advised me that your client did not require that such testing or remedial plowing, if required, be performed before Closing. However, Rockwell plans to take the soil samples within the next several weeks and the results will be forwarded to you as soon as they become available.

Also in this connection enclosed is a document entitled "Attachment 2 to Exhibit 8 of Settlement Agreement, Procedure for Testing" which sets forth the number and location of soil samples taken in the eastern lands and McKays' retained lands, including Section 23. You will note that the Attachment has been concurred in by the Colorado Department of Health. It appears that this document and a document setting forth more detailed specifications regarding the plowing (attachment not

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Howard Holme
Page 2
May 8, 1985

JFM-8(16)

included) should be agreed to by the parties to the
Settlement Agreement before any plowing is begun.

Sincerely,

John F. McNett
Chief Counsel
Rocky Flats Plant
North American Space Operations

Attachment

cc:

J. J. Chavez - DOE, Albuquerque
P. G. Currier - DOE, Rocky Flats Area Office
A. J. Hazle - Colorado Department of Health
- C. T. Illsley - NASO, Rocky Flats
A. A. Neblett - Assistant Attorney General
W. F. Schoeberlein - Sherman & Howard
C. M. Welch - Hall & Evans

ATTACHMENT 2 TO EXHIBIT 8 OF
SETTLEMENT AGREEMENT
PROCEDURE FOR TESTING

A. Testing McKay - Retained Lands


1. (a) 125 acre parcel in Section 9
 - (1) Two (2) samples; one between Site 70 and Site 71 and the other between Site 72 and Site 73.
 - (2) Each sample shall be composed of 15 subsamples spaced one meter apart.
 - (b) 160 acre parcel in NE 1/4 of Section 24
 - (1) Two (2) samples; one between Site 51 and Site 52 and the other between Site 43 and Site 44.
 - (2) Each sample shall be composed of 15 subsamples spaced one meter apart.
 - (c) 390 acre parcel in Sections 21 and 22
 - (1) Three (3) samples; one between Site 68 and Site 69 one between Site 66 and Site 67 and one between Site 66 and Site 111.
 - (2) Each sample shall be composed of 15 subsamples spaced one meter apart.
 - (d) 63 acre parcel along east boundary of Section 21
 - (1) One(1) sample located between Site 30 and Site 50.
 - (2) The sample shall be composed of 15 subsamples spaced one meter apart.
2. Section 23
- (a) One sample each at Site 55, Site 57, Site 63 and at the center of the section.
 - (b) Each sample shall be composed of 25 subsamples collected from 10 acre plots centered at sites noted above.


B. Testing - Plaintiffs Eastern Lands

1. Good Property (W 1/2 Section 18)
 - (a) Six (6) samples from the southern two thirds of the property at Site 2, Site 4, Site 5, Site 6, Site 7 and Site 11.
 - (b) One (1) sample from the northern one third of the property at Site 12.
 - (c) Each sample shall be composed of 25 subsamples collected from 10 acre plots centered at sites noted above.

2. Ackard - Butler Property (S 1/2 Section 7)
 - (a) Six (6) samples from the eastern one half and northern edge of the western one half of the property at Site 17, Site 18, Site 19, Site 20, Site 21 and Site 22.
 - (b) One (1) sample from the southwestern corner of the property at Site 16.
 - (c) Each sample shall be composed of 25 subsamples collected from 10 acre plots centered at sites noted above.
3. Great Western property (S 1/2 Section 6)
 - (a) Three (3) samples from the eastern one half at Site 26, Site 27 and Site 28.
 - (b) One (1) sample from the western one half at Site 25.
 - (c) Each sample shall be composed of 25 subsamples collected from 10 acre plots centered at sites noted above.

APPROVED


Charles T. Illsley 4-15-83
Environmental Analysis and Control
Rockwell International


Albert J. Hazle
Radiation Control Division
Colorado Department of Health

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